

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

LESLIE EMRY,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-13-140-D
)	
WILLIAM MONDAY, Warden,)	
)	
Respondent.)	

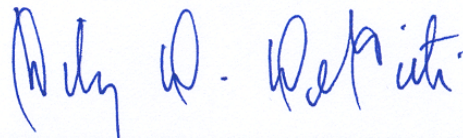
ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Mitchell recommends the dismissal of the Petition Under 28 U.S.C. § 2241 for Writ of Habeas Corpus due to Petitioner's failure to exhaust state judicial remedies.

The case file shows no timely objection to the Report nor request for additional time to object. The Court finds that Petitioner has waived further review of all issues due to his failure to object. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). For this reason, and the reasons fully explained by Judge Mitchell, the Court finds the Petition should be dismissed for lack of exhaustion.

IT IS THEREFORE ORDERED that the Court adopts the Report and Recommendation [Doc. No. 10] in its entirety. Respondent's Motion to Dismiss [Doc. No. 8] is GRANTED, as set forth herein. The Petition for Writ of Habeas Corpus is DISMISSED without prejudice for failure to exhaust state court remedies. Judgment shall be entered accordingly.

IT IS SO ORDERED this 14th day of May, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE